

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.  
an Ontario, Canada corporation,

Plaintiff,

V.

Civ. Action No. 04-12679-MLW

OCEAN SPRAY CRANBERRIES, INC.,  
a Delaware corporation,

Defendant.

**ASSENTED-TO MOTION FOR AN EXTENSION OF TIME**

To accommodate a witness whose father recently passed away, Plaintiff Amazin’ Raisins International, Inc. (“Amazin’ Raisins”), with the assent of Defendant Ocean Spray Cranberries, Inc. (“Ocean Spray”), hereby seeks to modify the summary judgment briefing schedule (as ordered on January 12, 2005) as follows:

02/10/06 – Deadline to file oppositions to summary judgment motion

02/24/06 – Deadline to file a reply in support of the summary judgment motion

Pursuant to Fed. R. Civ. P. 6(b), the Court may, in its discretion, enlarge a time period set forth in a previous order. The instant motion for an extension of time is not interposed for the purposes of delay. The previous request for an extension of time was requested, and granted, to permit Amazin' Raisins to conduct the deposition of Harold Mantius, the inventor of the accused process. Amazin' Raisins believes this deposition is necessary to fully address the issues raised in Ocean Spray's motion for summary judgment on the issue of infringement.

The parties agreed to conduct this deposition on Tuesday, January 24, 2006. The weekend before this date, however, Mr. Mantius' father passed away. In view of this unfortunate event, the parties agreed to post-pone Mr. Mantius' deposition.

As a result of this unfortunate and unplanned event, Amazin' Raisins will not be able to take the deposition of Mr. Mantius in adequate time to allow Amazin' Raisins to incorporate his testimony in its brief in opposition to the pending motion for summary judgment. Accordingly, Amazin' Raisins seeks a one week extension of time to file its brief.

In view of the unforeseeable circumstances that led to this motion, Ocean Spray assents to the requested extension of time.

WHEREFORE, Amazin' Raisins respectfully requests that the Court grant this motion to modify the summary judgment briefing schedule.

Dated: January 26, 2006

MERCHANT & GOULD P.C.

s/Todd S. Werner

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